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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,315	09/10/2004	Natalya Faytlin	65,620-056	5314

27305 7590 07/25/2005

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tata

Office Action Summary

Application No.

10/711,315

Applicant(s)

FAYTLIN, NATALYA

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (US 5,596,818). Jones is considered to disclose the claimed invention comprising:

support plenum **18** for distributing air,

a nozzle system **30, 34, 36** including a nozzle for directing air toward the top of a vehicle,

an air delivery conduit **150** interconnecting said plenum and said nozzle system for delivering air from said plenum to said nozzle system while allowing said nozzle system to move in an adjustment direction toward and away from said plenum between raised and lowered vertical operating positions,

an actuator **76, 78, or 80** for moving said nozzle system between said operating positions whereby said nozzle system may be moved up and down to accommodate the changing longitudinal configuration of a vehicle,

a rotary drive **72** for rotating said nozzle about a nozzle axis extending transversely to said adjustment direction and said nozzle whereby said nozzle system

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may be rotated about said nozzle axis to efficiently direct air against the contour of the vehicle,

a first sensor **104** disposed upstream of said nozzle for detecting the presence of a vehicle from above and for generating a blower start signal and for generating an actuator signal to energize said actuator and move said nozzle system vertically between said operating positions,

a second sensor **44** disposed between said first sensor and said nozzle for detecting the contour of a vehicle from above,

a third sensor **204** or **206** for sensing the rear of a vehicle from above, and

a controller **214** responsive to said sensors for processing a rotary signal to energize said rotary drive for rotating said nozzle about a nozzle axis toward the front of the vehicle and toward the rear of the vehicle and for processing said blower start signal and said actuator signal. Jones is also considered to disclose the claimed timer counter display monitor **26**, timer circuit at column 7 lines 12-17, signal processor at column 8 lines 7-19, and actuator processor at column 7 lines 56-67 with horizontal sensor alignment at column 11 lines 57-67.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Smith (US 4,995,136). Jones is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the biasing system. Smith, another vehicle blowing assembly, is considered to teach a biasing system at column 2 lines 39-53. It would have been obvious to one skilled in the art to combine the teachings of Jones with the biasing system considered disclosed in Smith, for the purpose of allowing a vehicle blowing system to follow the contour of the vehicle during a blowing process.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutton (US 3,279,093). Dutton is considered to disclose the claimed invention comprising:
support plenum **68** for distributing air,
a nozzle system **70** including a nozzle for directing air toward the top of a vehicle,
an air delivery conduit interconnecting said plenum and said nozzle system for delivering air from said plenum to said nozzle system while allowing said nozzle system to move in an adjustment direction toward and away from said plenum between raised and lowered vertical operating positions (please see column 9 lines 29-33),

an actuator **28** for moving said nozzle system between said operating positions whereby said nozzle system may be moved up and down to accommodate the changing longitudinal configuration of a vehicle,

a rotary drive **104** for rotating said nozzle about a nozzle axis extending transversely to said adjustment direction and said nozzle whereby said nozzle system may be rotated about said nozzle axis to efficiently direct air against the contour of the vehicle,

a first sensor **113** disposed upstream of said nozzle for detecting the presence of a vehicle from above and for generating a blower start signal and for generating an actuator signal to energize said actuator and move said nozzle system vertically between said operating positions,

a second sensor **125** disposed between said first sensor and said nozzle for detecting the contour of a vehicle from above,

a third sensor **148** for sensing the rear of a vehicle from above, and

a controller responsive to said sensors for generating signals to start said blower and move said nozzle system vertically downward in response to said first sensor detecting the presence of a vehicle without said second and third sensors detecting a vehicle, and for generating signals to move said nozzle system vertically upward in response to said second sensor detecting the presence of a vehicle with a high roof, and for generating signals to rotate said nozzle system toward the front of the vehicle in response to said second sensor detecting the presence of a vehicle without said second sensor detecting a vehicle roof, and for generating signals to move said nozzle system

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vertically downward and to rotate said nozzle system toward the rear of the vehicle roof, and for generating signals to stop said blower in response to all of said sensors detecting the absence of a vehicle (please see column 7 lines 6-70). Dutton is considered to disclose the claimed invention except for the claimed horizontal sensor alignment so as to be disposed at the same height above the vehicle. It would have been an obvious matter or design choice to recite a specific sensor alignment since the prior art of record and more specifically Dutton, teach the claimed invention regardless of the sensor alignment.

Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new grounds of rejection.

Applicant's arguments filed June 15, 2005 have been fully considered but they are not persuasive. It is considered that the claimed invention to be obvious for the reasons above contrary to applicant's assertion otherwise.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG
July 18, 2005

Stephen Gravini